

EXHIBIT 26

KITCHEN WINNERS NY INC, ET AL. V. ROCK FINTEK LLC., ET AL.
Tzali Gombo on 11/02/2023

1 UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF NEW YORK
3 CIVIL ACTION NO. 22-cv-05276-PAE

4 KITCHEN WINNERS NY INC.,

5 Plaintiff,

6 V.

7 ROCK FINTEK LLC,

8 Defendant.

9 ROCK FINTEK LLC,

10 Counterclaim and Third-
11 Party Plaintiff,

12 v.

13 KITCHEN WINNERS NY INC.,

14 Counterclaim Defendant,

15 and

16 ADORAMA INC., HERSHEY WEINER, JOSEPH
17 MENDLOWITZ, JNS CAPITAL HOLDINGS LLC
18 and JOEL STERN,

19 Third-Party Defendants.

20 T R A N S C R I P T of the stenographic
21 notes of the Deposition by Oral Examination of TZALI
22 GOMBO, taken remotely pursuant to notice in the
23 above-entitled matter, by and before Catherine
24 McLaughlin, a Certified Court Reporter of the State
25 of New Jersey, License No. 30XI00186100, via Zoom
Video Conference on Thursday, November 2, 2023,
commencing at approximately 12:15 p.m.

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1 A P P E A R A N C E S: (Via Videoconference)

2

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14

A L S O P R E S E N T: (Via Videoconference)

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Bob Calvert, New York Notary Public

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11		Statement of Plaintiff/	
12		Counterclaim Defendant	
13		Kitchen Winners NY Inc.	
14		and Third-Party Defendants	
15		Adorama Inc. and Joseph	
16		Mendlowitz Pursuant to	
17		Federal Rules of Civil	
18		Procedure 26(a)(1) and	
19		26(e)	
20			
21			
22			
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2 DEPOSITION SUPPORT INDEX

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4 Direction to Witness Not to Answer

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12 40 1

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14 Stipulations

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17 Question Marked

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20

21

22 (ph) indicates a phonetic spelling.

23 [sic] indicates the text is as stated.

24 Quoted text is as stated by the speaker.

25

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2 TZALI GOMBO, present address stated as 9
3 Yerek Drive, Lakewood, New Jersey 08701, situated as
4 stated at 37 Granite Drive, Lakewood, New Jersey,
5 having been first duly sworn or affirmed, was
6 examined and testified as follows:

7 (Mr. Calvert no longer present.)

8 - - -

9 EXAMINATION

10 - - -

11 BY MS. RIDDLE:

12 Q. Good afternoon, Mr. Gombo. We've spoken
13 via text before. I just want to go over some ground
14 rules for being deposed. Have you ever been deposed
15 before?

16 A. Yes.

17 Q. And how many times?

18 A. I think once or twice for the same case.

19 Q. What case?

20 A. For a personal investment matter.

21 Q. Do you know the name of the case?

22 A. Again?

23 Q. Do you know the name of the case?

24 A. It's a personal matter which I would
25 like not to discuss.

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1 Q. Okay. So let's go over how this works,
2 although it sounds like you may have some experience
3 with this. But I'll just go over it to be clear.

4 It's important that we not speak at the
5 same time because our court reporter is taking down
6 every word we say. I'll do my best not to start my
7 questions before you finish, and I ask that you wait
8 until I finish my questions before you start
9 answering.

10 We'll need clear answers for the court
11 reporter, so no shaking of your head. We need clear
12 yes or no.

13 If you don't understand one of my
14 questions, please let me know and I'll try again.
15 If you answer, I will assume that you understood
16 that. If you want to take any breaks, please let me
17 know. I just ask that it not be when a question is
18 outstanding.

19 Do you understand that you're under oath
20 today and that you must tell the truth subject to
21 penalties of perjury?

22 A. Yes.

23 Q. Have you taken any medication, drugs or
24 alcohol that would affect your ability to testify?

25 A. No.

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1 Q. Any reasons that you know of that you
2 can't testify accurately today?

3 A. No.

4 Q. Okay. Do you have any pending lawsuit
5 that you're named in as a plaintiff or a defendant?

6 A. If I have any?

7 Q. Lawsuits that you're named in?

8 A. I don't know if it's called a lawsuit,
9 but I have a personal situation going on in regards
10 to an investment that I made.

11 Q. Would that be the Gombo versus
12 Professional Account Management, LLC?

13 A. Not what I recall.

14 Q. What do you recall?

15 A. It's a personal investment matter that I
16 would like not to discuss.

17 Q. I'd like you to answer the questions to
18 the fullest extent that you can, please.

19 A. Okay. It's a personal investment
20 matter. I don't recall if it's Gombo versus the
21 name you just said. I don't remember a name like
22 that.

23 Q. Is it a debt collection action?

24 A. No. It's an investment, as I said
25 earlier.

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1 Q. Is it Shulem Gombo versus Bezalel Gombo?

2 A. Yes.

3 Q. Can you just tell me briefly about that?

4 I understand that you would rather not, I just need
5 to --

6 A. I'd rather not. The reason why I'm here
7 is to testify on a matter that I believe that you
8 want to have a better understanding about a case
9 that you have going on, so that's why I'm here for,
10 not to discuss my personal matters. I would like
11 to --

12 Q. Can you just let me know the status of
13 that case, before we move on? I just want to know
14 if it's relevant.

15 A. There's a lawyer dealing with the case.
16 I'm not involved day to day with that case.

17 Q. But it's ongoing?

18 A. I believe so.

19 MS. RIDDLE: Okay. I'd like to call for
20 the production of any deposition transcripts in that
21 matter, just for the record.

22 MR. SPERBER: Was there a subpoena of
23 documents of Mr. Gombo?

24 MS. RIDDLE: There was not.

25 BY MS. RIDDLE:

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1 Q. Okay, a bit of background I'd like to
2 get from you. Can you tell me about your education
3 history, please?

4 A. I learned in yeshiva until I got
5 married. When I got married I started working for
6 my father's company. He had a company named Dynamic
7 Health labs. It was manufacturing health products
8 such as vitamins, different types of vitamins. My
9 father got sick, he passed away, and I started the
10 company called CrystalWare.

11 Q. When did you start working at Dynamic
12 Health labs?

13 A. I believe I was around, I was -- around
14 22 years ago.

15 Q. And that company manufactured vitamins,
16 you said?

17 A. Correct.

18 Q. What else did it do? Anything else?

19 A. It was bottling private label. It was
20 doing some drinks. That's basically it.

21 Q. What did you do there?

22 A. I was managing the company.

23 Q. So did you have like a title? Were you
24 a manager?

25 A. It's just my father's son and my father

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1 wanted me to work there. It was a very successful
2 company, actually, I think it's on the stock market
3 right now. It was being sold by my family after my
4 father passed away, and I went on on my own to start
5 my own company.

6 Q. Okay. And your company, you said, was
7 CrystalWare --

8 A. Correct.

9 Q. -- did I get that? What does your
10 company do?

11 A. We manufacture disposable food service
12 and some medical products for commercial use.

13 Q. What kind of materials?

14 A. Again?

15 Q. What kind of disposable materials?

16 A. Like plastic, paper, foil, gloves. You
17 can look it up online.

18 Q. Did you -- I'm sorry, what was that?

19 A. I said you can look it up online.
20 You'll see in details what it manufactures and
21 imports.

22 Q. When did you start CrystalWare?

23 A. I would say around 19 years ago, 20
24 years ago.

25 Q. Can you tell me a little bit more about

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1 **the facility? What do you do there?**

2 A. I was actively managing the company up
3 until lately. I was involved in every aspect from
4 manufacturing the product, zoning the product,
5 getting the product out overseas or wherever it's
6 being manufactured, getting it into warehouses or
7 directly to customers, dealing with situations
8 for -- on a day-to-day basis what can happen with,
9 you know, and -- managing the office, the office
10 overseas, and we had -- we have salespeople in a
11 couple states in America. So, yeah, that's what I
12 used to be busy with up until lately.

13 Q. Okay. What happened lately? Did you
14 just decide to step back a little?

15 A. Yeah, I decided to go on vacation.

16 Q. Good for you. So you mentioned plastic,
17 paper, foil. Do you make multiple products all at
18 the same time? How does --

19 A. Yeah.

20 Q. -- that work?

21 A. We have a couple hundred different
22 products that we manufacture. Actually, the largest
23 product line that we sell, we import, is, and we
24 have a grant for that, we have two grants for this
25 is gloves.

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1 Q. And what are the brands?

2 A. Sterex and Safeguard.

3 Q. What is that first one? Can you spell
4 it?

5 A. S-T-E-R-E-X, which actually we -- that's
6 the brand we started the company with, and a couple
7 years ago we added another brand which is called
8 Safeguard.

9 Q. Safeguard. Right?

10 A. Correct.

11 Q. Do you manufacture these gloves inhouse?

12 A. No. Nobody manufactures in the house
13 gloves as far as I know. We have factories
14 overseas, not our own factories but factories that
15 we deal with, some factories that we help set up
16 overseas, and we're very involved in the
17 manufacturing, importing and, you know, making sure
18 that our brand -- our brand is a quality brand.

19 Q. Where do you get your gloves from
20 overseas?

21 A. From China, from Thailand, from -- from
22 Malaysia.

23 Q. Do you know the warehouse name?

24 A. Our warehouse name?

25 Q. Yeah.

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1 A. There's no name. It's CrystalWare.
2 It's the name of the company.

3 Q. Okay. How did you become involved in
4 the PPE industry? And when I say "PPE," I assume
5 that you understand it's personal protection
6 equipment?

7 A. That's our base. Yes, that's what I --
8 we do for a living. That's how I got involved 20
9 years ago.

10 Q. How did you get involved 20 years ago?
11 You just started your company?

12 A. Yes.

13 Q. And you had no experience before that?

14 A. I had experience in the vitamin
15 manufacturer, as my father...

16 Q. What percentage would you say -- is your
17 company focused on gloves? What else? Is there
18 like --

19 A. (Voices overlap.)

20 (Reporter interruption for clarification
21 of the record.)

22 BY MS. RIDDLE:

23 Q. Sorry, what is that?

24 A. A little over 30 percent. Three zero.

25 Q. The 30 percent is gloves or the 30

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1 **percent is other than gloves?**

2 A. Gloves.

3 **Q. Can you tell me a little bit about the**
4 **certifications that your warehouses have overseas?**

5 A. Like certifications, are you talking
6 about such as F.D.A.?

7 **Q. Yeah, and I have some general**
8 **understanding that some gloves shipped into the**
9 **United States need particular certifications?**

10 A. So that if you -- if you're importing
11 medical vinyl or nitrile or any item -- (audio
12 disruption.)

13 (Reporter interruption for clarification
14 of the record.)

15 THE WITNESS: Or any gloves that it's
16 called, exam or medical gloves, then the factory
17 would need an F.D.A. 510(k) number. It would need
18 to be approved by the FDA that those gloves meet
19 the -- the specs that an exam gloves needs to meet.
20 BY MS. RIDDLE:

21 **Q. Are these exam gloves that your company**
22 **manufactures?**

23 A. We import all types of gloves, such as
24 vinyl or nitrile or latex. It can -- some gloves
25 can be used just for food service products. Some

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1 gloves are being used for cleaning products and some
2 gloves are being used for medical or dental or
3 anything that has to do with in the medical
4 industry. And those gloves will need to have a
5 510(k) -- (audio disruption.)

6 (Reporter interruption for clarification
7 of the record.)

8 THE WITNESS: I'm saying these medical
9 gloves would need to have a 510(k) certification.

10 BY MS. RIDDLE:

11 Q. How many people does your company
12 employ?

13 A. Around 100.

14 Q. Is your 510(k) certain, like, do you
15 know the certification number by any chance?

16 A. Not offhand.

17 Q. I would ask if you don't mind to provide
18 that.

19 A. I don't have it offhand.

20 Q. Oh, I mean you could email it to me
21 after.

22 A. Okay.

23 Q. Thank you.

24 Have you ever been retained as an expert
25 in this industry?

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1 MR. SPERBER: Objection to the form.

2 You can answer.

3 THE WITNESS: I had some companies in
4 different industries asking me for input in the
5 industry.

6 BY MS. RIDDLE:

7 Q. My question was vague. Have you ever
8 been retained as an expert in a lawsuit?

9 A. No.

10 Q. When you just described being an
11 industry expert, what did you mean by that?

12 A. There's some investment firms that are
13 involved with companies that are trying to buy off
14 companies in the industry, and they would need to
15 speak to professionals in the same industry to hear
16 or have that understanding of the industry. So I've
17 been retained for some such type of whatever you
18 want to call it, such type of expertise or -- or
19 input in my view about the industry with the
20 understanding, having the understanding of this
21 industry.

22 Q. Can you give me an example?

23 A. Such as companies that are looking to
24 buy off similar companies, they would like to hear
25 from somebody that owns a company like that and has

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1 experience in a company like that. They would like
2 to -- they would ask for different types of
3 questions to have a better understanding of the
4 industry.

5 Q. Do you have any such company you can
6 name?

7 A. There's some investment firms. I want
8 to name those investment firms. I don't have those
9 names offhand.

10 Q. Any best memory?

11 A. I don't have those offhand.

12 Q. Have you been retained as an expert in
13 this case?

14 A. No.

15 Q. Okay. And to be clear, just for the
16 record, I'm taking your deposition today not as an
17 expert but because you were disclosed as a fact
18 witness by Mr. Sperber.

19 A. Okay.

20 MR. SPERBER: And just for the record,
21 we reserve our right to --

22 THE WITNESS: One second.

23 Hello?

24 MR. SPERBER: Just for the record, we
25 reserve our right to disclose Mr. Gombo as an expert

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1 witness whenever the appropriate time comes, should
2 we choose to do so.

3 (Whereupon, discussion was held off the
4 record.)

5 MS. RIDDLE: Just to be clear, we
6 wouldn't be precluded from deposing him as an expert
7 once that occurs.

8 MR. SPERBER: Okay. Understood.

9 BY MS. RIDDLE:

10 Q. Okay. Do you work with Adorama or
11 Kitchen Winners --

12 A. (Voices overlap.)

13 Q. -- or have you ever?

14 (Simultaneous indiscernible cross talk.)

15 BY MS. RIDDLE:

16 Q. Sorry, I interrupted.

17 A. I know Kitchen Winners through me
18 traveling to overseas. I used to meet Hershey a lot
19 overseas. I know Adorama through having some
20 interests in real estate.

21 Q. Sorry, I didn't hear that last one. You
22 know Adorama? Is that what --

23 A. I know --

24 Q. Is that what you -- yeah.

25 A. I know Yasi (ph) from Adorama to having

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1 the same investments in the same type of industry
2 that I'm investing in.

3 Q. And is that, when you say "Yasi," what
4 is his last name?

5 A. Mendlowitz.

6 Q. So that would be Joseph Mendlowitz?

7 A. Yeah.

8 Q. And you know him because you both have
9 real estate interests? Is that what you said?

10 A. Yes.

11 Q. Where is that?

12 A. Different states.

13 Q. In New York?

14 A. No.

15 Q. New Jersey?

16 A. No, in give different states. I
17 don't -- I don't -- I'm not involved, I just have
18 investments in those real estate. I don't know any
19 details, and that's actually, you know, I'm here
20 to -- to, you want to know more about the glove
21 industry and I don't think we have so much more time
22 for that and, you know, I'm not here for being
23 investigated on my personal businesses, which I
24 don't like to talk about it.

25 Q. Okay. I was just asking a question.

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1 A. My personal investments that I have with
2 Joseph.

3 **Q. So you have personal investments --**

4 A. (Voices overlap) -- here to help Adorama
5 or with this case.

6 MR. SPERBER: I'm sorry, it's getting
7 very garbled. Could you repeat what you said?

8 THE COURT REPORTER: Please.

9 THE WITNESS: What's that?

10 MR. SPERBER: Mr. Gombo, your connection
11 is a little bit garbled. Could you repeat what you
12 said a few minutes ago? I'm sorry, it --

13 THE WITNESS: I, oh, I said those
14 investments have nothing to do with Adorama or with
15 Kitchen Winners or anything involves in this case.
16 It's a personal investment in real estate and I
17 don't like to discuss my real estate in this case.

18 BY MS. RIDDLE:

19 **Q. Just before we move on, you have**
20 **personal investments with Mr. Mendlowitz in real**
21 **estate?**

22 A. Correct.

23 **Q. Correct?**

24 A. I would not like to discuss, I do not
25 feel comfortable discussing my personal investments

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1 in real estate and where they are, or --

2 Q. I understand --

3 (Voices overlap.)

4 (Reporter interruption for clarification
5 of the record.)

6 THE WITNESS: I'm saying I would not, do
7 not want to discuss my personal investments in real
8 estate, simple as that. That's not what I'm hear
9 for.

10 BY MS. RIDDLE:

11 Q. So how do you know Mr. Weiner?

12 A. Through traveling in China meeting him
13 overseas.

14 Q. Where did you meet him?

15 A. Several places in China for many, many
16 years. Where I met him? I used to meet him in
17 China. Either when we went out to eat or when we
18 went to pray, that's where I used to meet him.

19 Q. How long have you known him for?

20 A. I believe since a little bit after I
21 went into business from -- for importing from
22 overseas.

23 Q. So would that be when you created
24 CrystalWare?

25 A. Correct.

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1 Q. How did you become involved with this
2 matter?

3 A. Alex asked me if I can be a witness in
4 this case.

5 Q. When did that occur?

6 A. I don't -- I don't recall the date.
7 Probably like a month ago, maybe, maybe a little bit
8 more.

9 Q. What did Alex ask you?

10 A. If I can be a witness in this, in this
11 case.

12 Q. About what?

13 A. I don't remember if he asked me or --
14 or -- or, yeah, something like that. Asked me if I
15 would have any knowledge on being a witness in this
16 case, saying my expertise in this case, whatever I
17 know in this industry. And I agreed to that.

18 Q. Are you receiving any payment?

19 A. No.

20 Q. I think I did get a check in the mail
21 for \$40 maybe. I think I -- I lost that check or
22 maybe it's somewhere. Where? I don't know where.
23 But that -- that's what I received, but no payment.

24 MR. SPERBER: Just for the record --

25 BY MS. RIDDLE:

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1 Q. And the check -- I'm sorry, what was
2 that?

3 MR. SPERBER: For the record, that check
4 was not from me. I assume that came with your
5 subpoena.

6 MS. RIDDLE: Yes, the check came, to be
7 clear, my firm sent that check with the subpoena, as
8 the witness --

9 THE WITNESS: I actually didn't want to
10 deposit that check because I was scared that it's
11 coming from Alex.

12 Q. Nope, that is from your subpoena and
13 under federal rules you're allowed to be
14 compensated.

15 A. Okay.

16 Q. Have you spoken to Joseph Mendlowitz
17 about this case?

18 A. No.

19 Q. When is the last time you spoke with
20 him?

21 A. I spoke with him?

22 Q. Yeah.

23 A. Probably like two weeks ago.

24 Q. And I presume that is about the real
25 estate matter. Or is it about this matter?

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1 A. I spoke with him to thank him for coming
2 to my son's wedding.

3 Q. Have you spoken to Mr. Weiner about this
4 case?

5 A. No.

6 Q. When was the last time you spoke with
7 Mr. Weiner?

8 A. I speak to him almost every day. And
9 I -- he knows that I'm a subpoena witness but not in
10 like I -- I know all. All he asked me is that I
11 should say whatever I know about this case, but not
12 like nothing in, uh, detail.

13 Q. When you say you speak with him every
14 day is it because you're friends or are you
15 business --

16 A. Yes.

17 MR. SPERBER: I'm sorry --

18 MS. RIDDLE: Yes, he --

19 THE WITNESS: By when I say "every day"
20 doesn't mean every day, but I mean to say I spoke to
21 him, I speak to him on a regular basis, we're
22 friends and, and, yeah. There's nothing that I need
23 to discuss with anybody this -- at this case. But
24 if you have any questions specifically about gloves
25 I'll be very happy to say what I know about the

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1 gloves. Meanwhile, we didn't even get into it.

2 We're almost -- (technical disruption.)

3 (Witness not present.)

4 MS. RIDDLE: Perfect.

5 I'm just going off-screen a minute until
6 the witness comes back on.

7 THE COURT REPORTER: Off the record?

8 MR. SPERBER: Yep.

9 MS. RIDDLE: Yeah.

10 (Off the record.)

11 (Witness is present.)

12 BY MS. RIDDLE:

13 Q. How many times have you spoken with Mr.
14 Sperber?

15 A. What, about this case?

16 Q. Yes.

17 A. Maybe once.

18 Q. Have you spoken to him about anything
19 else?

20 A. No.

21 Q. Do you know a Joel Stern?

22 A. No.

23 Q. Have you spoken with Mr. Stern's
24 counsel, Mr. Frisch?

25 A. No.

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1 Q. Do you know Rock Fintek?

2 A. No.

3 Q. Do you know Extension Health?

4 A. Are you talking about Medline? I'm
5 asking if you're talking about Medline.

6 Q. No. I'm talking about the hospital
7 Extension Health.

8 A. No.

9 Q. Did you review any documents in
10 preparation for this deposition?

11 A. No.

12 Q. Back to your connections with Mr. Weiner
13 and mister --

14 A. Give me one second, I'm sorry, it's my
15 wife.

16 Q. Okay.

17 MR. SPERBER: Off the record.

18 (Off the record.)

19 BY MS. RIDDLE:

20 Q. Back to your relationships with Mr.
21 Weiner and Mr. Mendlowitz. I get to ask you
22 questions to determine if you have any biases. Can
23 you please tell me your relationship with Mr.
24 Weiner?

25 A. I have --

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1 MR. SPERBER: (Voices overlap.)
2 (Reporter interruption for clarification
3 of the record.)

4 MR. SPERBER: I said asked and answered.

5 THE WITNESS: Alex, I didn't hear you.

6 MR. SPERBER: You can answer the
7 question.

8 THE WITNESS: Okay. I have some
9 investments in the same real estate that he has.

10 BY MS. RIDDLE:

11 Q. And can you please tell me where?

12 A. I don't know details, offhand.

13 Q. You don't know the details of the real
14 estate?

15 A. I don't know the details offhand. If
16 you want me to prepare an investigation about my
17 real estate industry, you'll have to give me time to
18 prepare, and I did not prepare myself for that.

19 Q. What did you prepare yourself today for?

20 A. To put away time that -- to talk about
21 the industry of the gloves during COVID.

22 Q. I subpoenaed you and you are a fact
23 witness. I get to ask you questions, and I would
24 like to know --

25 A. Okay.

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1 Q. -- did your real estate --

2 A. I'm not prepared for that. I don't
3 know. I don't have any details.

4 Q. Do you know what state your real estate
5 is in with Mr. Weiner?

6 A. I don't recall offhand.

7 Q. Are you refusing to testify about them?

8 A. No. I just don't recall offhand. I
9 answered very -- my honest answer, that I don't
10 recall offhand where the real estate is.

11 Q. Is it in Philadelphia?

12 A. Not that I know of.

13 Q. Pennsylvania?

14 A. What?

15 Q. Is it in Pennsylvania?

16 A. Not what I know of.

17 Q. Do you have other financial connections
18 with Mr. Weiner?

19 A. Besides real estate --

20 Q. Correct.

21 A. -- investments?

22 Q. Correct.

23 A. No.

24 Q. Do you operate under a company with Mr.
25 Weiner?

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1 A. The real estate has companies, has a
2 company name.

3 **Q. Do you know that company name?**

4 A. Not really, I don't. I never, like I'm
5 not involved. It's just for investments. So it's
6 just a name that I've -- I believe it's associated
7 with a address of those -- addresses of those
8 buildings. I think so. Not a hundred percent sure.

9 **Q. So you're an investor in a real estate**
10 **firm along with Mr. Weiner, is that correct?**

11 MR. SPERBER: Objection to form.

12 THE WITNESS: Not really a firm, but I
13 think it's in some real estate, some different
14 warehouses in different states. I think that
15 each -- each property has a different name for real
16 estate purposes, which I'm not even sure why. I
17 don't know details. I'm not managing. I'm just
18 investing.

19 BY MS. RIDDLE:

20 **Q. How much have you invested in that?**

21 A. I don't recall the numbers.

22 **Q. Can you give me an estimate?**

23 A. I don't recall.

24 **Q. Like one million?**

25 A. It's possible.

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1 Q. Over a million?

2 A. Also possible.

3 Q. Two million?

4 A. Possible.

5 Q. Five million?

6 A. I don't think so.

7 Q. So between one and five million?

8 A. Probably.

9 MR. SPERBER: Objection to the form.

10 THE WITNESS: Maybe.

11 BY MS. RIDDLE:

12 Q. Do you have any financial connection to
13 Mr. Weiner?

14 A. No.

15 (Exhibit 1 is noted and was subsequently
16 electronically marked for identification.)

17 BY MS. RIDDLE:

18 Q. Okay, I'd like to enter the first
19 exhibit into the record. If I do this properly it
20 should show up on your screen. One moment.

21 Do you see something called a Rule 26
22 disclosure on your screen?

23 MR. SPERBER: I don't see anything on my
24 screen.

25 MS. RIDDLE: Okay.

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1 THE WITNESS: Me neither.

2 MS. RIDDLE: Anything?

3 MR. SPERBER: Not there.

4 Yep.

5 MS. RIDDLE: This is, I'm marking this
6 Exhibit 1 for the record. This is Adorama's Third
7 Amended Rule 26 disclosure.

8 Can you see when I scroll? No?

9 MR. SPERBER: I see it on my end, but,
10 Mr. Gombo, can you see it?

11 THE WITNESS: I see a page.

12 BY MS. RIDDLE:

13 Q. Can you see that I'm moving it right
14 now?

15 A. Yes.

16 Q. Do you see your name right here?

17 A. Yes.

18 Q. And is that your address?

19 A. Yes.

20 Q. Perfect. This says, I'll read it into
21 the record, it says:

22 "Mr. Gombo has knowledge of the
23 medical glove industry and the market
24 conditions during and after COVID-19 pandemic
25 including the subsequent drop in demand which

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1 is at issue in Rock Fintek's damages claim."

2 Is that correct?

3 A. Yes.

4 Q. Can you please tell us about your
5 knowledge of the medical glove industry?

6 A. You have to ask me --

7 MR. SPERBER: Objection.

8 THE WITNESS: You have to ask me
9 something specific so I can answer.

10 BY MS. RIDDLE:

11 Q. Okay. Why don't you -- okay. Can you
12 tell us about the market conditions during the
13 COVID-19 pandemic?

14 MR. SPERBER: Objection to the form.

15 THE WITNESS: Alex, I couldn't hear you.

16 MR. SPERBER: I just said, for the
17 record, "Objection to the form." But you're allowed
18 to answer the question.

19 THE WITNESS: Okay.

20 BY MS. RIDDLE:

21 Q. Do you want me to repeat the question?

22 THE WITNESS: Alex, you just said that I
23 don't -- I don't need to.

24 MR. SPERBER: You -- you should answer
25 the question.

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1 THE WITNESS: Oh, okay. Yes, please
2 repeat the question.

3 BY MS. RIDDLE:

4 Q. Can you tell us about the market
5 conditions during the COVID-19 pandemic?

6 A. All right. So when the -- when the
7 COVID hit, started, you know, when I found out about
8 that there is a situation going on was that I had
9 one of my customers calling me up asking me --
10 asking me for some products such as masks and
11 gloves, one of my regular customers. He told me
12 that he would buy anything that I have available.

13 I asked him what happened.

14 So he explained to me that there's going
15 to be a very big shortage in the market because
16 everyone's going to be needing those products.

17 From that day on I got multiple phone
18 calls from customers telling me the same thing. I
19 think it was around March 2020.

20 At that time, you know, I was in touch
21 with the factories, my suppliers every day, even
22 before that. But I'm saying when this started I
23 started, you know, talking to them in regards to
24 finding out if we will be able to get a product
25 regular supply, which I was told that it's not going

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1 to be possible to get regular supply, there's going
2 to be a shortage of raw material, there's going to
3 be a shortage on workers, they're not going to have
4 enough workers to manufacture because they're going
5 to be on and off for day workers to be home, the
6 shipping companies, they're going to be working from
7 home or -- or they're not able to come in so,
8 therefore, there's not going to be enough product
9 shipping out.

10 Therefore, all the prices are going to
11 start going up because the supplies won't be huge
12 and the demand is going to be huge and the supply is
13 going to be very minimal. And I think like right
14 away it started going up to like, if I remember
15 correct, like the first day or two after we found
16 out about the situation it started going up to from
17 \$120 a case, a case has ten boxes of 100 gloves per
18 box, so that's a thousand gloves in a case. So they
19 started selling around from 120 up to 150 dollars a
20 case, per case.

21 While the demand got higher the supply
22 got lower and we got deeper into the COVID
23 situation. Prices kept on climbing up even from 180
24 to up to 250 dollars per case. This was going on
25 for around almost a year, maybe a little bit over a

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1 year, I think maybe until May of 2021. That's when,
2 you know, all of a sudden factories started begging
3 me back for their business and prices started --
4 people stopped buying. People were scared that
5 they're going to be stuck with product that they
6 paid too much and then I won't be able to sell it.

7 Also, one more thing. During COVID a
8 lot of companies were losing -- were making, you
9 know, investments into the glove industry, you know,
10 in order for them to be able to secure product and
11 they found out that they lost their money. They
12 were, you know, sending money overseas. There were
13 a lot of either fake companies or companies claiming
14 that they're a certain company, which they were not.

15 There was also a lot of like homemade
16 manufacturers. I'm not sure how to call them, like
17 pirate manufacturers, that they made their gloves,
18 they took their -- the seconds or their third glove,
19 it's called by the manufacturers "second," like all
20 the gloves that they would be throwing out in the
21 garbage or recycling, they used to put them into a
22 box and sell them as like regular gloves.

23 I know there was a lot of issues going
24 on with COVID and it was very, very difficult for
25 regular companies to be able to -- to buy regular

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1 gloves while they're in COVID, was getting very
2 difficult to get gloves, people weren't, and weren't
3 doing the same type of verifications or -- or same
4 type of stringent fees, fees that they would want to
5 have on a regular business day.

6 They would buy gloves from whomever they
7 were trusting that they can bring them gloves, a
8 normal quality gloves which -- which on a regular
9 day they would say they wouldn't buy that, that
10 exact brand or that exact quality, or they wouldn't,
11 you know, become a customer of certain companies on
12 a regular before COVID just because they have their
13 own -- own steps on how they approve a supplier.
14 But all that went away during COVID just because
15 people just wanted to get product in the door so
16 hospitals or doctor's offices or whether it needs
17 gloves can use them. That's what I know about the
18 industry during COVID. And if you have any other
19 specific questions in regard to, if I know, I'll be
20 happy to answer.

21 **Q. Thank you. Who is your supplier? You**
22 **said "supplier" during that.**

23 **A. Yeah, we had a couple suppliers but our**
24 **main suppliers were Top Glove and -- (audio**
25 **distortion.)**

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1 (Reporter interruption for clarification
2 of the record.)

3 BY MS. RIDDLE:

4 THE WITNESS: Top Glove is T-O-P, Glove
5 is G-L-O-V-E.

6 (Whereupon, discussion was held off the
7 record.)

8 THE WITNESS: I-N-T-C-O.

9 BY MS. RIDDLE:

10 Q. Do you know anything about the Medcare
11 supplier?

12 A. I don't know --

13 Q. Medcare --

14 A. I don't know them personally, but I have
15 heard from them during COVID, and also actually
16 during COVID Hershey was showing me the Medcare
17 gloves, he wanted to hear from me my opinion about
18 the -- the Medcare gloves. So that's how I'm
19 familiar with the Medcare glove.

20 Q. What was your opinion about the gloves
21 he was showing you during COVID?

22 A. My opinion was that it's a okay glove.
23 It's meaning from what was out there in the industry
24 was -- was very comparable, I would say even very
25 good. I wouldn't say that it's the same exact

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1 quality that was before COVID, but it was, even
2 before COVID it would have passed, this glove,
3 meaning it was normal quality, normal nitrile
4 gloves. But if you -- but I understood during COVID
5 a lot of people were buying the Medcare gloves and
6 it was -- they had some reliable, some better
7 reliable ways how to deal with the situation during
8 COVID that they were able to ship a lot of product
9 to certain people. That's what I know about
10 Medcare.

11 Q. You said they had reliable ways to deal
12 with the situation. What do you mean by that?

13 A. Meaning that most factories overseas
14 during COVID, they were very extremely not reliable
15 with the shipping situation. They were telling you
16 that they're going to ship it and you -- we expect
17 it to ship and you pay money already and you told
18 your customers already when they're going to be
19 getting their product, but at the end it never
20 happened, and they -- it kept on getting pushed off.

21 And I think Medcare, of what I heard as
22 an industry, I've never dealt with them directly,
23 but I understood in the industry that Medcare was
24 pretty reliable, their shipping dates. So a lot of
25 larger companies were -- were trying to get Medcare

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1 products because they knew if they had a reliable
2 supplier for a Medicare product they felt that --
3 more secure that they're going to get the product on
4 time than any other gloves.

5 Q. I believe you said earlier that Mr.
6 Weiner would show you these gloves. How did he show
7 you them?

8 A. He used to send them to my house and I
9 used to check them.

10 Q. He would send physical gloves to your
11 house?

12 A. Yes.

13 Q. How did you communicate about the gloves
14 with him during that time?

15 A. How I spoke with him?

16 Q. Yes.

17 A. My -- my cell phone.

18 Q. So would you call?

19 A. He would call me, I would call him.

20 Q. Would you text?

21 A. Could be a text, I am not sure.

22 Q. Did you email?

23 A. I don't think so. Probably the best way
24 for me to communicate is usually either by phone
25 or -- or by text. But I believe, I speak with

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1 Hershey a lot, so I believe it was on the phone.

2 **Q.** I'd like to call, if there are any
3 relevant texts between you and Mr. Weiner, I'd like
4 to call for the production of those.

5 MR. SPERBER: Send requests to me. Any
6 requests should be sent to me and they'll be taken
7 under advisement.

8 BY MS. RIDDLE:

9 **Q.** Okay, thank you.

10 When he would send physical boxes over,
11 or in general, was it your understanding that he was
12 buying a certain type of glove?

13 A. I didn't understand the question.

14 **Q.** Was Mr. Weiner trying to buy a
15 particular type of glove? Does that make it any
16 more --

17 A. I wasn't involved in what he was trying
18 to buy. I know that he used to show me, he used to
19 ask me sometimes he used to ask me if those nitrile,
20 like, whichever nitrile he had he used to ask me in
21 my opinion if it's good quality or not.

22 **Q.** Do you have an understanding about the
23 difference of an examination glove versus a
24 protection glove?

25 A. What I believe is that there would be

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1 more pinholes in a -- when tested in the lab, a
2 regular glove, not examination gloves would -- would
3 not be able to test, to pass a test when filling up
4 with water in a certain way in the lab. It would
5 have more pinholes, meaning when you stretch those
6 gloves by filling it up with water, it would have
7 more pinholes than an exam glove.

8 Q. Was Mr. Weiner asking you to look at
9 examination gloves?

10 A. Yes.

11 Q. Could you tell if they were examination
12 gloves?

13 A. Again?

14 Q. Could you tell if they were examination
15 gloves that you were looking at?

16 A. If I can tell?

17 Q. Yeah.

18 A. You can only test it in the lab.

19 Q. So when he asked you to approve of
20 them --

21 A. You can tell. You can just tell if it's
22 good quality or not, or if it's garbage quality.

23 Q. How?

24 A. By putting it on.

25 Q. The gloves he was sending you you would

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1 put on?

2 A. Correct.

3 Q. So what did you -- what generally would
4 happen when --

5 A. I would see if it's a strong glove or
6 not.

7 Q. How many times did he send you gloves?

8 A. Probably twice or three times.
9 Probably.

10 Q. Do you remember when?

11 A. I didn't write it down. I don't
12 remember when. I don't remember those days. Sorry.

13 Q. Was it in like the spring of 2021?

14 A. I didn't write down those dates when he
15 sent it to me.

16 Q. Best estimate?

17 A. I can't answer you.

18 Q. Sir, I believe you gave me a bit of a
19 time line earlier when you said the price started to
20 go up. Are you saying that that occurred in March
21 of 2020?

22 A. Correct.

23 Q. And when did the price start to go down?

24 A. Around, I believe it would be around May
25 2021.

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1 Q. Okay. What is the normal price of
2 gloves before COVID?

3 A. Around \$30 per case, per case of ten
4 boxes in a case. Each box has 100 gloves. These
5 are the prices --

6 Q. Do you --

7 A. -- I would sell them at.

8 Q. What would you say was the highest the
9 gloves went up to, in your opinion, during COVID?

10 A. I believe approximately \$250.

11 Q. I think earlier you said that a lot of
12 fake companies popped up during COVID?

13 A. Yes.

14 Q. Can you explain that a little further?

15 A. People were just saying that they have,
16 people in China would have -- would communicate with
17 people overseas in America or different countries
18 and just tell them that they have a factory, and
19 they never had a factory. But people were very,
20 very extremely desperate for gloves, and, you know,
21 and they lost a lot of money from having
22 transactions going on between them.

23 Q. Can you give me an example of one of
24 those names, if you know it?

25 A. I don't know any of those names. I just

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1 heard in the industry.

2 Q. So you also mentioned a -- pirate
3 manufacturers, you called them. Can you give me an
4 example --

5 A. For explaining, for explaining purposes
6 I said that name. But I explained explicitly what I
7 meant. Do you need a duplicate explanation?

8 Q. Yes.

9 A. Okay. So people either took seconds
10 from the factories, gloves that usually would be
11 either recycled or put into the garbage, and they
12 would stuff it into a box and ship it out to people
13 over here.

14 Q. Did they?

15 A. And show them -- what?

16 Q. I'm sorry, you can continue.

17 A. And showed them pictures or proved that
18 they're shipping out a container of gloves.
19 Meanwhile, those people would have gotten those
20 containers opened up, those boxes, and realized they
21 got gloves that they can't use.

22 Q. Do you know what company name --

23 A. No.

24 Q. -- they were using?

25 A. I answered already that I don't know.

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1 Q. Do you know of any companies that popped
2 up during COVID?

3 A. I answered that already for the third
4 time that I do not know.

5 Q. Back to the Rule 26 disclosure, do you
6 still see that on your screen --

7 A. Yeah.

8 Q. -- or did that go away? Great.

9 Do you know anything about Rock Fintek's
10 damages claims?

11 A. Don't know any details.

12 Q. Do you know anything about Levmed?

13 A. Who?

14 Q. L-E-V-M-E-D?

15 A. I'm not familiar with that brand.

16 MS. RIDDLE: If we can just take a
17 quick, five-minute break, I just want to look over
18 my notes --

19 MR. SPERBER: Sure.

20 MS. RIDDLE: -- and collect myself
21 before we clean this up.

22 MR. SPERBER: Off the record.

23 (Off the record.)

24 BY MS. RIDDLE:

25 Q. So I believe we covered the rise and

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1 fall of demand. Have you told me everything
2 about --

3 Q. -- the rises and --

4 A. (Guttural sound.)

5 Q. -- the rises and...

6 MR. SPERBER: Uh.

7 MS. RIDDLE: What?

8 MR. SPERBER: Just objection.

9 MS. RIDDLE: I'm not done.

10 MR. SPERBER: Restating everything that
11 was covered, but, objection.

12 BY MS. RIDDLE:

13 Q. Okay. Have you told me everything about
14 the subsequent drop in demand after COVID-19?

15 A. If I told you everything, I can't tell
16 you --

17 Q. Yes.

18 A. I told you everything. If you have any
19 questions you can ask me and I can tell you if -- if
20 I know anything more.

21 Q. Okay.

22 A. But I can't tell you if I told you
23 everything.

24 Q. Do you know anything about the
25 transactions at issue in this lawsuit?

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1 A. No.

2 Q. Okay. So you have no understanding of
3 what type of gloves the parties were trying to
4 purchase?

5 A. I know that they were purchasing the
6 Medcare gloves.

7 Q. And how do you know that?

8 A. Because Hershey told me.

9 Q. Did he tell you anything else?

10 A. He told me that after -- that after the
11 demand dropped Medline did not want any more of
12 those gloves. They wanted to send it back.

13 Q. Do you work with Medline?

14 A. No.

15 Q. Do you know anything about Medline?

16 A. Yes.

17 Q. Can you tell me --

18 A. I know Medline has a large medical
19 supplier in the industry. I know Medline. I did,
20 you know, I was on the phone with a couple people in
21 Medline a few times. But I don't remember if we
22 sold them directly product.

23 Q. So you don't sell to Medline?

24 A. I don't think so. Could be -- could be
25 there is some product of ours by Medline, but I

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1 don't believe that it's directly from us.

2 Q. Do you purchase from Medline?

3 A. No.

4 Q. Okay. So you would be selling to them?

5 A. I didn't say that we would be selling.

6 I said it could be they have our product, but I
7 don't believe that they have it directly from our
8 company. Probably if they have our product they
9 would have it through middleman.

10 (Reporter interruption for clarification
11 of the record.)

12 MS. RIDDLE: I think he said
13 "middleman".

14 BY MS. RIDDLE:

15 Q. So back to when you said Mr. Weiner
16 would send you gloves and you would put them on to
17 test the quality, I believe you said that they were
18 an okay glove and that it wasn't the same quality as
19 before COVID. Can you explain that a little bit
20 more?

21 A. Before COVID the gloves, those
22 manufacturers that larger companies were dealing
23 with, their gloves were perfect, meaning you
24 wouldn't be able to see any discoloration or you
25 wouldn't be able to see any almost creases in the

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1 gloves. It was packed perfectly. It was very
2 nicely presented.

3 But during COVID, even Top Glove's
4 product was not exactly the same as before COVID
5 because, I believe that the reasons are because they
6 had a shortage of workers, a shortage of workers
7 packing them, or maybe even by the quality control,
8 no glove that they would usually take off the line,
9 they did not want to waste those gloves if it passed
10 the quality, meaning there's something called in the
11 industry, I don't remember the professional name for
12 it, but on the top of the glove, we put on the
13 gloves, at the top by the rim would be a little bit
14 like creased, like you would see the other side of
15 it, the inside side of it, let's say, of the gloves.
16 They would still pack those in because, you know,
17 the quality is -- is okay. It has nothing to do
18 with the -- doesn't affect the product itself. It's
19 just I will call it, um, you know, it just doesn't
20 look, you know, it just doesn't look as nice as you
21 want it to be, but the quality was okay. No, I had
22 no complaints about the quality itself.

23 Q. And when you say "no complaints," are
24 you talking about the Medcare glove?

25 A. It's either the Medcare or even the

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1 regular brands. They weren't exactly the same as
2 before COVID, but it was good quality, passable
3 quality. You know, people weren't that picky during
4 COVID on those type of issues.

5 I can just add that in my knowledge what
6 I have heard in the industry that people even got,
7 you know, empty boxes, the first few rows on the
8 container were -- you open those boxes, you saw
9 gloves, but then after a few rows back in the
10 container they were either empty or they filled it
11 up with, like, literature, like just plastic or just
12 garbage in those -- in those boxes.

13 So people went through nightmares during
14 COVID. And wherever it did get decent quality
15 gloves was usually very excited to get them, knowing
16 that they paid for gloves and they got gloves and
17 they got the gloves that can be used in hospitals or
18 nursing homes or whichever medical facilities it can
19 be used in.

20 Q. What qualifications would you say you
21 would have to test the quality of these gloves?

22 A. Just my experience.

23 Q. And your experience being working in the
24 industry?

25 A. Correct.

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1 Q. And you said earlier when you founded
2 CrystalWare, that was about 19 years; is that
3 correct?

4 A. 19 or 20 years ago, correct.

5 Q. And you've been working with gloves that
6 entire time?

7 A. Correct.

8 Q. Do you know what ASTM D6319 is?

9 A. I know it's some type of certification
10 that it needs to pass.

11 Q. What is that?

12 A. I don't recall offhand.

13 Q. Do you know if a F.D.A. 510(k) certified
14 glove has to meet an ASTM standard?

15 A. I believe so. But I wouldn't be the --
16 I wouldn't be the right person to ask anything about
17 certifications.

18 Q. Why is that?

19 A. Because I -- I'm just not familiar with
20 it. I know, you know, we did research, you know,
21 when we -- when we started with the factory, but I
22 wasn't involved with certification situation
23 while -- while I was doing it.

24 Q. Okay. So does a medical-exam-grade
25 glove that is 510(k) have to meet an ASTM standard?

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1 A. I believe so.

2 Q. Okay.

3 A. But I'm not -- you know, I'm not the
4 right person to ask. Probably, I believe you can
5 call up the F.D.A., they would answer you right
6 away.

7 Q. Does a protection glove have to have
8 ASTM --

9 A. I don't recall. I'm not very good on
10 technical certification. I'm not -- I'm not a
11 professional in that.

12 Q. Is there -- is there anything I've not
13 covered today that you intend to speak about.

14 MR. SPERBER: Objection.

15 (Voices overlap.)

16 THE WITNESS: You're asking I should
17 answer you if there's anything more you have to ask
18 me?

19 BY MS. RIDDLE:

20 Q. No. I'm asking you if -- you're being
21 presented as a fact witness. Is there anything I've
22 missed that you intend to speak about?

23 MR. SPERBER: Objection.

24 THE WITNESS: (Voices overlap.)

25 (Reporter interruption for clarification

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1 of the record.)

2 THE WITNESS: I would not be able to
3 answer that question.

4 BY MS. RIDDLE:

5 Q. I'm just looking through my outline to
6 see if I have anything else.

7 Have you ever purchased from Medicare?

8 A. No.

9 Q. And you do not know what gloves the
10 parties were contracted to buy and sell in this
11 lawsuit, do you?

12 A. Again?

13 Q. Do you know the type of gloves that the
14 parties were contracted to purchase from one another
15 in this lawsuit?

16 A. I have no involvement with that, no
17 idea, no involvement.

18 Q. And you have no idea what type of
19 certification an ASTM D3619, what the qualifications
20 are for that?

21 A. Not offhand.

22 MS. RIDDLE: Okay. I believe I'm all
23 set, but I'd just like to take another quick break.

24 THE WITNESS: I need --

25 MS. RIDDLE: Sorry, what?

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1 THE WITNESS: I can't -- I can't
2 continue anymore. My time is up. I, really, what
3 we discussed is one hour. It's already one hour --

4 MS. RIDDLE: We didn't discuss one hour,
5 for the record, however.

6 THE WITNESS: I, specifically, text, I
7 texted I will have one hour. I think I was texting
8 with you. Is that true?

9 MS. RIDDLE: That is true.

10 THE WITNESS: So check back your text.
11 You'll see that I did text you, clearly, one hour.
12 Right now is one hour, 45 minutes. So if you have
13 any other questions, then I would rather if you can
14 ask it right now so I don't have to come back.

15 MS. RIDDLE: Alex, do you have any
16 questions?

17 BY MR. SPERBER:

18 Q. I just have a couple very quick
19 questions, Mr. Gombo.

20 Yeah, Mr. Gombo, am I correct you've
21 been involved in the glove industry for more than 20
22 years?

23 A. Around 20 years.

24 Q. Okay. And you answered a bunch of
25 questions today about the glove industry, but is it

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1 possible that if you were asked more specific
2 questions you would have additional information to
3 share?

4 A. Yes.

5 Q. And same thing, if I were to ask you
6 more specific questions about market conditions in
7 the glove industry during the COVID-19 pandemic or
8 afterwards, would you perhaps have additional
9 information to share?

10 A. Yes.

11 MR. SPERBER: Those are all the
12 questions I have. Thank you.

13 BY MS. RIDDLE:

14 Q. Before we go, I just have some follow-up
15 questions.

16 Can you let me know what other specific
17 things you would testify about?

18 A. If you're going to ask me specific
19 questions, then I can answer. So I was in the
20 industry for around 20 years. I was dealing with
21 gloves on a daily basis, besides not-working days or
22 when maybe I -- when I was on vacation. So I
23 believe I'm qualified enough to understand what a
24 medical glove means. I can -- I can look at it, I
25 can feel it, I can smell it, I -- I slept with

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1 gloves in my brain every single day. So I -- I
2 understand this industry. So if you have any
3 specific questions, very specific questions, if you
4 want to know about gloves, I believe I'm qualified
5 enough to answer those questions.

6 **Q. When you say that you would test the**
7 **glove, feel it, smell it, can you go through that**
8 **process for me?**

9 A. Just by looking at a glove, putting it
10 on, stretching it, feeling it, seeing the thickness,
11 seeing how the glove is built from the bottom to the
12 top, where the thickness are, where the colors are
13 going to be off-colored, I can know if it's good, a
14 good quality glove or not good quality glove.

15 **Q. What makes a glove a good quality versus**
16 **a bad quality?**

17 A. A good quality glove is not going to rip
18 when putting it on. It's not going to get
19 discolored when putting it on. It's not going to
20 have a smell of plastic. It's not going to have a
21 smell of some types of oils or different types of
22 smells that it can have, that gloves can have.

23 When you stretch it a little bit, it's
24 not going to look -- become see-through. The tips
25 are going to be stronger than the top -- the top

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1 part of the glove because that's where you're
2 touching and that's where it's going to be thin, but
3 strong, because they want you to be able to feel
4 whatever you want to feel with, you know, when
5 you're doing a procedure, or whatever, you need to
6 feel with the fingers. So that's my experience that
7 I know how to check a glove.

8 Q. Did you view all of the above with the
9 gloves that Mr. Weiner sent to you during COVID?

10 A. Exactly.

11 Q. And do you recall what your opinion on
12 all of those were of these gloves?

13 A. My opinion -- my opinion was that it's a
14 good quality glove, sellable in the industry as an
15 exam gloves, if it has the right certifications,
16 which I'm not involved in, but the quality itself
17 was a good, passable nitrile glove.

18 Q. Can you explain "nitrile glove"?

19 A. Again?

20 Q. When you say "nitrile glove," what does
21 that mean?

22 A. Nitrile glove is a certain material that
23 they put into the gloves. I think if I recall
24 correctly they put in a percentage, certain
25 percentage of nitrile in the material, so that makes

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1 it a nitrile glove. The nitrile glove --

2 Q. What qualification --

3 A. The nitrile glove --

4 (Voices overlap.)

5 THE WITNESS: The idea of nitrile glove
6 is that it should be, the feel should be the same as
7 latex glove. A lot of people are allergic to latex,
8 to rubber. So, therefore, they came up with the
9 idea of the technology, of the mix of the chemical
10 of being able to make something that is like latex
11 gloves, but it's not latex gloves. The idea is it's
12 a thin glove, but it's a strong, stretchable glove.

13 BY MS. RIDDLE:

14 Q. And how do you know that?

15 A. How do I?

16 Q. Yes, how do you -- do you have any
17 qualifications in glove making or is that just from
18 experience in the industry?

19 A. Exactly like what I said. I was in this
20 business for around 20 years and that's my
21 experience. I used to go around to factories. I
22 used to check them. I used to understand, you know,
23 exactly how a good glove should look like and feel
24 like and smell like and I have enough good glove
25 should, you know, not be, so.

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1 Q. And what is a not good glove like?

2 A. All the above that's said. If it is
3 not, then it's not a good glove.

4 Q. Meaning, if it is not, I think you said
5 thickness --

6 A. Correct.

7 Q. -- is a very important factor? Stretch?

8 A. Correct.

9 Q. Color?

10 A. Correct.

11 Q. And was there anything else?

12 A. There's --

13 Q. You said smell?

14 A. They can be, you know, the way you
15 stretch it where you're going to see where it's
16 going to rip first, how it -- how it's going to rip,
17 how it's going to tear. Sometimes it can tear just
18 from the top, you know, just the top of the glove,
19 sometimes once starts tearing the whole glove -- the
20 whole glove falls apart. So that's how you're able
21 to see if it's a good quality or not a good quality.
22 And as stated earlier, Medcare passed that it was a
23 good quality glove.

24 Q. Do you have any certifications to check
25 the quality of gloves, or is this just from your

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1 **experience in the field?**

2 A. As I answered for the fifth time that I
3 have experience for around 20 years in this
4 industry.

5 **Q. Okay.**

6 A. Okay, I really need to go. It was a
7 pleasure. It was a pleasure speaking with you, to
8 all of you, and it is -- if there's anything else
9 that you would want to continue a different time, so
10 you can let, I guess, whoever needs to know, so.

11 MS. RIDDLE: Okay, we'll reserve the
12 right for any additional questions.

13 (Whereupon, discussion was held off the
14 record.)

15 THE COURT REPORTER: Mr. Sperber, for
16 record, are you ordering a copy of the transcript?

17 MR. SPERBER: I'm not sure. I'll get
18 back to you.

19 THE COURT REPORTER: Okay.

20 MR. SPERBER: Can you email me asking if
21 I want one and I'll respond?

22 THE COURT REPORTER: Yes.

23 MR. SPERBER: Thank you.

24 THE COURT REPORTER: And are we waiving
25 reading and signing?

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1 MR. SPERBER: No.

2 (Witness excused.)

3 - - -

4 (Whereupon, the deposition concluded at
5 approximately 1:54 p.m.)

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1 C E R T I F I C A T E

2

3 I, Catherine McLaughlin, a Certified
4 Court Reporter of the State of New Jersey, do hereby
5 certify that prior to the commencement of the
6 examination, the witness appeared before Bob
7 Calvert, New York Notary Public, to be duly sworn.

8 I DO FURTHER CERTIFY that the
9 preceding is a true and accurate computer-aided
10 transcript of the proceedings as taken to the best
11 of my ability stenographically by and before me
12 remotely at the time and date hereinbefore set
13 forth.

14 I DO FURTHER CERTIFY that I am
15 neither a relative nor employee, nor attorney or
16 counsel to any parties involved; that I am neither
17 related to nor employed by any such attorney or
18 counsel; and that I am not interested in the event
19 nor outcome of this action.

20

21



22 CATHERINE McLAUGHLIN, Certified Court Reporter
23 of the State of New Jersey
NJ C.C.R. License No. 30XI00186100
NO. 407200 026606

24

25

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1 SIGNATURE PAGE OF TZALI GOMBO

2 Page Line Should be Changed to Read

3 _____

4 _____

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 I, TZALI GOMBO, hereby certify that I have
 15 read the transcript of my testimony taken under oath
 16 and that the transcript is a true and complete
 17 record of my testimony, and that the answers on the
 18 record as given by me are true and correct.

19

20 _____

21 TZALI GOMBO

22 Sworn to before me

23 This _____ day of _____, 2023

24 _____

25 Notary Public

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